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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,391	07/19/2000	Roman Schertler	622/40901C2	2663

7590 04/29/2002

CROWELL & MORING LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300

EXAMINER

JIMENEZ, MARC QUEMUEL

ART UNIT PAPER NUMBER

3726

DATE MAILED: 04/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

1. Receipt is acknowledged of the reply under 37 CFR 1.111 and of the supplemental declaration, both papers having been filed on April 10, 2002. A change of address and a request for a three month extension of time, together with the necessary fee for the extension, were also filed on April 10, 2002.
  2. The reply is considered to be a *bona fide* attempt to respond to the Office letter dated October 10, 2001. However, the reply is nonresponsive. The reply fails to comply with the regulations governing the amendment of claims in a reissue application.
  3. Amendments to reissue applications are governed by 37 CFR 1.173. See 37 CFR 1.121(a), which reads in pertinent part, "*Amendments in applications, other than reissue applications.*" (Emphasis in the original.) See also 37 CFR 1.121(h). There is no "clean copy, marked up copy" practice when amending reissue applications. Attention is invited to MPEP § 1453.
  4. The instant amendment fails to comply with 37 CFR 1.173 because the amendment proposes to amend claims that are "new" with respect to the text of the patent. Therefore, the amended claims must appear with all words entirely underlined, and no words bracketed, because all words in these claims are "new" with respect to the text of the patent, and no words in these claims are being deleted with respect to the text of the patent. Neither the "clean copy" nor the "marked up copy" of the claims submitted with the reply satisfy this requirement.
- Applicant should note that in place of a "marked up copy" to indicate to the examiner what changes have been made by amendment, 37 CFR 1.173(c) requires applicant to supply, on pages separate from the pages containing the changes to the claims, a statement of the status of all patent claims and of all added claims (pending or canceled) as of the date of the amendment, and an explanation of the support in the disclosure of the patent for the changes made to the claims.

5. It is also noted that the supplemental declaration filed with the reply is not executed. It otherwise appears to be in acceptable format.

6. Applicant is given a ONE MONTH SHORTENED STATUTORY PERIOD, which may be extended pursuant to 37 CFR 1.136(a), in which to file an amendment which complies with the regulations governing the amendment of reissue applications.

7. Inquiries regarding this communication may be referred to the undersigned at (703) 308-3872.

A handwritten signature in black ink, appearing to be 'Stephen Marcus', with a long horizontal flourish extending to the right.

Stephen Marcus  
Special Program Examiner  
Technology Center 3700



**UNITED STATES DEPARTMENT OF COMMERCE  
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Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**